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#13.12  
B. White  
4-30-93  
(NE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
OFFICE OF THE ASSISTANT COMMISSIONER FOR PATENTS

In re Application of: Paul R. Schimmel

Serial No.: 07/586,534

Filed: September 21, 1990

For: DESIGNING COMPOUNDS SPECIFICALLY  
INHIBITING RIBONUCLEIC ACID

Assistant Secretary and  
Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

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GROUP 180

REQUEST FOR RECONSIDERATION

Sir:

Applicant respectfully requests reconsideration of the Decision on Petition issued March 29, 1993, denying Applicant's Petition for New Mailing Date filed March 22, 1993. The Petition for New Mailing Date requested that the Office Action issued by the U.S. Patent & Trademark Office and mailed on November 20, 1992, be remailed with a new date. The Decision was rendered by Barry S. Richman, Director, Patent Examining Group 180, Biotechnology. Mr. Richman stated that "Applicant has not provided sufficient evidence of the failure to receive the Office Action, as established in Delgar Inc. v. Schuyler, 172 USPQ 513." Mr. Richman kindly suggested that Applicant review page 700-53 of the M.P.E.P. for the types of evidence that should be submitted in support of a petition for remailing.

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Enclosed as Exhibit A are copies of pages 12 and 13 of our Patent Docket for the week beginning January 11, 1993. If the Office Action mailed on November 20, 1992, had been received by our office, it would have first appeared on the January 11, 1993 Patent Docket. The entry would have indicated that on 01/20/93 the two-month date for a response in Docket Number MIT5261 to a final rejection was approaching. For example, see the second last entry from the bottom on page 12 of our Patent Docket for the week beginning January 11, 1993. This entry indicates that on 01/20/93 the two-month date for response to a final rejection in the Willadsen/Upright Disc Storage Unit patent application was approaching. Enclosed as Exhibits B and C are copies of pages 14 and 15 of our Patent Docket for the week beginning February 8, 1993 and pages 9 and 10 of our Patent Docket for the week beginning March 23, 1993. Neither the Patent Docket dated February 8, 1993, nor the Patent Docket dated March 23, 1993, have any indication that the Office Action in Docket Number 5261 was received and docketed. Each of our Patent Dockets totals approximately 40-45 pages. However, we are enclosing with this Request only those pages we feel appropriate. We would, however, be happy to provide complete copies of the Patent Dockets for the weeks in question upon request.

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The office procedures involving the receipt of mail from the U.S. Patent and Trademark Office are as follows. All mail addressed to me is opened by my secretary, Ms. Patricia Hilger, the morning it is received. Any U.S. Patent and Trademark Office correspondence included therein is given to me for my review; it is returned to Ms. Hilger within several hours; and Ms. Hilger promptly places the mail in a tray labelled "docketing." The contents of the docketing tray are then delivered to the docketing clerk, Ms. Lynn Rees, for docketing.

I called the U.S. Patent and Trademark Office on February 19, 1993; Ms. Rossi called on March 16, 1993. Our Declarations are attached.

Therefore, in view of the foregoing remarks and enclosed Patent Dockets and Declarations, reconsideration of the Decision on Petition is respectfully requested, and Applicant requests that the Office Action dated November 20, 1992 be remailed.

Respectfully submitted,



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Patrea L. Pabst  
Reg. No. 31,284


Date: April 19, 1993  
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Atlanta, Georgia 20231  
(404)815-6508

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**CERTIFICATE OF MAILING**

I hereby certify that this Request for Reconsideration and any documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
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Patrea L. Pabst

Date: April 19, 1993